

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARISSA MALDONADO, *as representative
of the estate of Aimee Nicole Doughty*, et al.,

Plaintiffs,

v.

CITY OF FRESNO, et al.,

Defendants.

Case No. 1:24-cv-00102-KES-SAB

ORDER GRANTING MOTION FOR LEAVE
TO AMEND

(ECF No. 42)

Before the Court is Plaintiffs' motion for leave to file an amended complaint. Defendants have filed a non-opposition to the motion (ECF No. 47), and therefore, the Court finds it appropriate to rule on the motion without oral argument. L.R. 230(g).

Under Rule 15(a) of the Federal Rules of Civil Procedure, leave to amend shall be freely given when justice so requires. Fed. R. Civ. P. 15(a)(2). "In the absence of . . . undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should . . . be 'freely given.'" Foman v. Davis, 371 U.S. 178, 182 (1962), quoting Fed. R. Civ. P. 15(a). In other words, "[a]bsent prejudice, or a strong showing of any of the remaining Foman factors, there exists a presumption under Rule 15(a) in favor of granting leave to amend." Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003).

1 Here, the Court finds that granting leave to amend implicates none of the Forman factors.
2 Indeed, Defendants have filed a non-opposition, which demonstrates that they will not be
3 prejudiced by the granting of the motion.

4 Accordingly, it is HEREBY ORDERED that:

- 5 1. Plaintiffs' motion for leave to file an amended complaint (ECF No. 42) is
6 GRANTED; and
- 7 2. Plaintiffs shall file the proposed first amended complaint within **five (5) days** of
8 the entry of this order.

9
10 IT IS SO ORDERED.

11 Dated: **April 15, 2025**



STANLEY A. BOONE
United States Magistrate Judge